

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JERRY TICE,

Petitioner,

v.

CIV 06-0233 JH/LAM

JOE WILLIAMS, et al.,

Respondents.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION (DOC. 27)**

On January 26, 2007, the Magistrate Judge assigned to this case filed her *Proposed Findings and Recommended Disposition* (Doc. 27) recommending that Petitioner's *Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241* (Doc. 1) be denied and this case be dismissed without prejudice. No party has filed objections to the proposed findings and recommended disposition and the deadline for filing objections has passed.¹ The Court has determined that it will adopt the *Proposed Findings and Recommended Disposition* (Doc. 27), grant Respondents' *Motion to Dismiss* (Doc. 21), and dismiss Petitioner's *Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241* (Doc. 1) and this case without prejudice by a final order entered concurrently with this order.

IT IS THEREFORE ORDERED that the Court adopts the *Proposed Findings and Recommended Disposition* (Doc. 27);

¹On February 8, 2007, Petitioner's copy of the *Proposed Findings and Recommended Disposition* (Doc. 27), which was mailed to his address of record, was returned as undeliverable. See Doc. 28. The Court asked the clerk's office to send another copy of the *Proposed Findings and Recommended Disposition* to Petitioner at an address provided by Defendants (see *Supplemental Answer and Exhibits*, Doc. 23), thereby allowing Petitioner additional time in which to file objections.

IT IS FURTHER ORDERED that Respondents' *Motion to Dismiss* (Doc. 21) is **GRANTED**.

A final order dismissing without prejudice Petitioner's *Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241* (Doc. 1) and this case will be entered concurrently with this order.

IT IS SO ORDERED.



JUDITH C. HERRERA
UNITED STATES DISTRICT JUDGE